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Remarks

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Entry of the above-noted amendments, reconsideration of the application, and allowance of all claims pending are respectfully requested. By this amendment, claims 1-16 and 21 are amended. These amendments to the claims constitute a bona fide attempt by applicants to advance prosecution of the application and obtain allowance of certain claims, and are in no way meant to acquiesce to the substance of the rejections. Support for the amendments can be found throughout the specification (e.g., page 5, line 6), figures (e.g., FIG. 1), and claims and thus, no new matter has been added. Claims 1-21 are pending.

Claim Rejections - 35 U.S.C. § 101

Claims 1-15 and 21 were rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Applicants have amended claims 1-15 to recite "a computer-readable signal-bearing medium". Applicants believe that the amendments to the specification presented herewith address the issue of claim 21.

Withdrawal of the § 101 rejections is therefore respectfully requested.

Claim Rejections - 35 U.S.C. § 112

Claims 13, 14, 20, and 21 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. These rejections are respectfully, but most strenuously, traversed.

The Office Action alleges that prevention of autonomous control of the software and/or hardware entity as recited in claims 13 and 20 is not taught in the specification. Referring to page 4, lines 9-13 of the specification, applicants have disclosed examples of shared control of the software and/or hardware entity. For example, two or more manager components share

control over the software and/or hardware entity. Applicants respectfully submit that autonomous control (e.g., control by a single management component) is inherently not possible if the control is cooperatively shared between a plurality of management components. The manager components in one example cooperate to share control and thereby prevent autonomous control by one or more of: dividing management responsibilities (page 4, line 14 to page 5, line 2; page 5, lines 6-8); sending notifications between manager components (page 5, lines 8-17); requesting responsibility for a management operation (page 6, lines 11-14); requesting execution of a management operation by another management component (page 6, lines 15-21).

The Office Action alleges that setup and teardown of telecommunication connections as recited in claim 14 is not taught in the specification. Applicants respectfully submit that setup operations and teardown operations for telecommunication connections performed within a telecommunication network are well known in the telecommunications arts. The setup operations and teardown operations are examples of operations that may be performed by the software and/or hardware entity and managed by the management components.

The Office Action alleges that the use of an atomic or biological computer-readable signal-bearing medium per claim 21 is not clear from the specification. Applicants respectfully submit that use of atomic computer-readable signal-bearing media is known to those skilled in the art as described by U.S. Patent No. 5,546,337, U.S. Patent No. 5,822,285, and U.S. Patent No. 5,856,967. In addition, use of biological computer-readable signal-bearing media is described by U.S. Patent No. 5,253,198, U.S. Patent No. 5,228,001, U.S. Patent No. 5,559,732, and U.S. Patent No. 6,219,160.

Claim 12 was rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which

applicants regard as the invention. The amendments to claim 11 presented herewith address this issue.

Withdrawal of the § 112 rejections is therefore respectfully requested.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 16, and 21 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Baughman (U.S. Patent No. 6,408,399). Claims 1-21 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Anderson (U.S. Patent App. Pub. No. 2003/0058796). These rejections are respectfully, but most strenuously, traversed.

Applicants respectfully submit that the Office Action's citations to the applied references, with or without modification or combination, assuming, *arguendo*, that the modification or combination of the Office Action's citations to the applied references is proper, do not teach or suggest the first manager component and the second manager component that are configured to concurrently share management responsibility for the software and/or hardware entity, as recited in applicants' independent claim 1.

For explanatory purposes, applicants discuss herein one or more differences between the claimed invention and the Office Action's citations to Baughman and Anderson. This discussion, however, is in no way meant to acquiesce in any characterization that one or more parts of the Office Action's citations to Baughman or Anderson correspond to the claimed invention.

Baughman (column 5, lines 18-23) discloses:

The system manager 120 and 130 also checks for and corrects errors, such as both computers 10 and 11 assuming an active state, no computer 10 or 11 in an active state, the active computer unable to access the shared disks 12 and 13, and a non-active computer with access to the shared disks 12 and 13.

Baughman discloses that an instance where both computers have access to the shared disks is an error condition. Baughman teaches away from shared management responsibility of the disks 10 and 11 and instead teaches an active/standby relationship. Baughman fails to disclose the first manager component and the second manager component that are configured to concurrently share management responsibility for the software and/or hardware entity.

Accordingly, the Office Action's citation to Baughman fails to satisfy at least one of the limitations recited in applicants' independent claim 1.

Anderson (paragraph 19) discloses:

... The signaling manager receives its working instructions from the traffic manager and from the provisioning manager for each packet switch, router and interface access device of the packet network, which, among other things, enables the signaling manager to set up and dynamically change virtual circuits, paths and channels on a real-time basis..

Anderson discloses that the signaling manager receives instructions from the traffic manager and the provisioning manager. Anderson fails to disclose the first manager component and the second manager component that are configured to concurrently share management responsibility for the software and/or hardware entity.

Accordingly, the Office Action's citation to Anderson fails to satisfy at least one of the limitations recited in applicants' independent claim 1.

The Office Action's citations to Baughman and Anderson all fail to meet at least one of applicants' claimed features. For example, there is no teaching or suggestion in the Office Action's citations to Baughman and Anderson of the first manager component and the second manager component that are configured to concurrently share management responsibility for the software and/or hardware entity, as recited in applicants' independent claim 1.

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For all the reasons presented above with reference to claim 1, claims 1, 16, and 21 are believed neither anticipated nor obvious over the art of record. The corresponding dependent claims are believed allowable for the same reasons as independent claims 1, 16, and 21, as well as for their own additional characterizations.

Withdrawal of the §§ 102 and 103 rejections is therefore respectfully requested.

In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney.

Respectfully submitted,



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